

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,
v.
NELSON CARTAGENA-MERCED,
Defendant.

CRIM. NO. 97-110 (JAF)

UNITED STATES RESPONSE TO MOTION FOR RETURN OF PROPERTY

TO THE HONORABLE COURT:

COMES NOW the United States of America, through its undersigned attorneys, and very respectfully states, alleges, and prays as follows:

Defendant Nelson Cartagena-Merced is moving the Court for the return of money seized from his residence in relation to the captioned case. After tracking the status of said money, we respectfully inform that the FBI has in its possession, as evidence seized in the captioned case, a total of \$4,194 which were seized from the defendant Nelson Cartagena-Merced's residence. The Government never initiated any forfeiture proceedings in relation to this money, thus, it will return the money to the defendant. In order to properly do so, and given the fact that defendant is imprisoned at this time, the Government respectfully requests this Honorable Court to order the defendant to designate an individual to whom the money shall be transferred. The point of contact in the FBI as to this matter is FBI Special Agent Ken O'Connor.

The defendant also claims in his motion that unknown amounts of money were taken from his mother and sister's residences, but fails to allege that these moneys belong to him. Since defendant fails to claim ownership of these moneys nor does he provide more specific information, the Government agrees at this time to return only the money seized at defendant's residence.

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WHEREFORE, it is respectfully requested that this Honorable Court take notice of the abovementioned situation and order the defendant to provide the name, address and phone number of an individual designated by him to receive the \$4,194 seized at defendant's residence, so that the designated person can visit the offices of the FBI in San Juan, Puerto Rico, to receive the money on behalf of the defendant.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 1st day of February, 2006.

H. S. GARCIA
United States Attorney

s/José Ruiz-Santiago
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion has been sent via mail to defendant Nelson Cartagena-Merced, Reg. No. 14834-069, Granville-B, Low Security Correctional Institution, P.O. Box 999, Butner, NC 27509-0999.

s/José Ruiz-Santiago
Assistant U.S. Attorney